

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

As of the office action of Feb. 26, 2009, claims 1, 2, and 21-36 were pending in the subject application, of which claims 1 and 28 are independent claims. With this response Applicants have amended claims 1, 23-26, 28, and 32-35. Applicants have also amended the specification to correct a typographical error.

A. 35 U.S.C. § 101 Rejections

The Examiner rejected claims 1, 2, and 21-27 under 35 U.S.C. § 101 stating that the claimed subject matter must be either transformative, or tied to a particular machine. *Office Action* at 2. The Examiner suggested placing a computer limitation in the body of the claim, such as "one or more tools on a computer." *Id.* In response, Applicants have amended claim 1. The amended claim language includes, for example: "providing, in a graphical user interface on a computer display, a first interface . . ." With these amendments, Applicants respectfully request withdrawal of the § 101 rejection of claim 1 and claims 2 and 21-27, which are dependent upon claim 1.

B. 35 U.S.C. § 102 Rejections

The Examiner rejected claims 1, 2, 21, 23, 24-27, 28-30, and 32-36 under 35 U.S.C. § 102(e) over U.S. Patent No. 6,671,692 (filed Nov. 13, 1999) ("Marpe"). In response, Applicants have amended the independent claims. Amended independent claim 1 recites:

1. (Currently Amended) A method for planning a merger of at least two organizations on a computer, the method comprising:

providing, in a graphical user interface on a computer display, a first interface for a first organization adapted to plan a project with a resource management capability and a time management capability;

providing, in a graphical user interface on the computer display, a second interface for a second organization adapted to provide collaborative capabilities to plan the project with said resource management and said time management, said first and second interfaces forming a collaborative workspace between said first organization and said second organization; and

providing one or more tools graphically displayed on at least one of said interfaces adapted to allow a user to exchange merger information and aid in collaboration with said plurality of said organizational members;

wherein said one or more tools include:

a feature for defining one or more milestones,

a feature for choosing one or more resources to assign to one or more tasks or said one or more milestones,

a feature for selecting when said one or more tasks is scheduled for completion, and

a feature for detecting and displaying interdependencies between tasks[[.]];

an organizational structure tool including a feature for hierarchically displaying departments of said at least two organizations, a feature for displaying positions of said at least two organizations, and a feature for employee reassessments between said at least two organizations; and

an employee redeployment tool for redeploying employees of the at least two organizations, the employee redeployment tool including a list of said positions of said at least two organizations, a new position request function for creating a new position, one or more fields providing a position details of each position in the list of positions, and employees associated with each position.

Amended claim 1 (emphasis added) (note, independent claim 28 contains similar amendments and elements and will be discussed collectively). With this response, Applicants have added the emphasized elements relating to an organizational structure tool and an employee redeployment tool. Applicants contend that *Marpe* does not include the organizational structure or employee redeployment tool as claimed. Although *Marpe* discusses organizational charts in a general way,

Marpe does not appear to disclose a tool for displaying an organizational chart or redeploying employees in a merger. *See e.g. Marpe* col. 44 line 37-col. 45 line 40. *Marpe* appears to provide an organizational chart function that "allows users to upload and track Organization Charts files for themselves[,"] and to search organizational charts, but *Marpe* does not appear to display the contents of an organization chart or the positions within an organizational chart, or allow a user to view an organizational chart. *Id.* at col. 44 lines 37-50. *Marpe* appears to suggest that organizational chart creation and management does not occur within *Marpe's* system. Rather, it appears to be an external event performed by a user in an other application. *Id.* at col. 45 lines 32-36 ("By click [sic] on the template, the file should open in its respective application. Once the user, using the template, creates his/her Organizational Charts file the file should be saved on their local disk drive"). *Marpe* appears to allow users to upload, download, and search organizational chart files, but *Marpe* does not appear to provide its own organizational chart function or employee redeployment function as claimed in the amended claims. *See Id.*

Support for the claimed employee redeployment tool and organizational structure tool may be found throughout the subject application's specification and drawings (for example, in paragraphs 83-84 and figures 8-9). In light of the amendments to claims 1 and 28, and because *Marpe* does not appear to include each and every element of the claimed invention, Applicants respectfully assert that claims 1 and 28 are patentable under § 102 over *Marpe*. Accordingly, Applicants request withdrawal of the § 102 rejections of claims 1 and 28, and claims 2, 21-27, and 29-36, which are dependent upon claims 1 or 28.

C. 35 U.S.C. § 103 Rejections

The Examiner rejected claims 22 and 31 under 35 U.S.C. § 103 over *Marpe* and U.S. Patent No. 7,159,178 (filed Feb. 20, 2002) ("Vogt"). The Examiner stated *Marpe* anticipates the

independent claims, and that that the *Vogt* discloses the polls and questionnaires claimed in dependent claims 22 and 31. *Office Action* at 8. As discussed, Applicants have amended the independent claims and contend that *Marpe* does not include all the elements of the amended claims. Nor does *Vogt* appear to disclose the elements of the amended claims. *Vogt* is generally directed to a browser-enabled meeting place. *See Vogt abstract, col 2 lines 50-67.* However, *Vogt* does not appear to include the claimed organizational structure and / or employee redeployment elements. Therefore, Applicants assert that the combination of *Marpe* and *Vogt* does not include or suggest all the elements of the amended claims. Accordingly, Applicants respectfully request withdrawal of the § 103 rejection of claims 22 and 31.

D. Conclusion

In consideration of the amendments and foregoing discussion, the application is now believed to be in condition for allowance. Early allowance of the subject application is respectfully solicited. The Examiner is also invited to telephone Applicants' attorney (@ 617-305-2143) to facilitate prosecution of this application.

This response is not believed to necessitate any additional fees. However, in the event that additional fees are due, please charge or credit any refund to our Deposit Account No. 50-2324.

Respectfully Submitted,

Dated: 26 May 2009

/Brian J Colandreo/
Brian J. Colandreo
Reg. No. 42,427

Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116-3889
Telephone 617-305-2143
Facsimile 617-523-6850

#6288713_v1